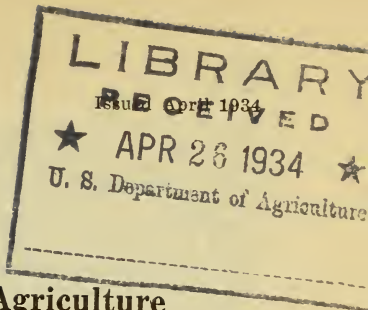


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# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the insecticide act]

1276-1295

[Approved by the Acting Secretary of Agriculture, Washington, D.C., April 7, 1934]

**1276. Adulteration and misbranding of Acme 2 Way spray. U. S. v. Acme White Lead & Color Works. Plea of guilty. Fine, \$10. (I. & F. no. 1594. Dom. no. 22600.)**

This case was based on an interstate shipment of Acme 2 Way spray which was recommended, among other uses, as a spray for sour-cherry trees, and which would be injurious to sour-cherry trees when used as directed.

On September 17, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Acme White Lead & Color Works, a corporation trading at Portland, Oreg., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about January 5, 1932, from the State of Oregon into the State of Washington, of a quantity of Acme 2 Way spray that was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that it was intended for use on vegetation, namely, sour cherry trees, and the article when used as a spray upon sour cherry trees as directed, would be injurious to such vegetation.

Misbranding was alleged for the reason that the statements on the label, "For \* \* \* sour cherries, \* \* \* use 7 pounds of Acme 2 Way Spray to 50 gallons of water or 10 tablespoonfuls to 1 gallon of water", borne on the package label, were false and misleading and by reason of the statements the article was labeled so as to deceive and mislead the purchaser, since the article, when used as directed, could not be used as a spray for all sour cherry trees, but such use would cause serious injury thereto.

On January 11, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**1277. Adulteration and misbranding of cucumber, tomato, tobacco, and eggplant dust. U. S. v. Planters Chemical Corporation. Plea of guilty. Fine, \$5. (I. & F. no. 1609. Sample no. 9705-A.)**

This case was based on an interstate shipment of an insecticide and fungicide which contained smaller proportions of the active ingredients, arsenic oxide and copper sulphate, than declared, and which also contained inert ingredients which were not declared on the label as required by law.

On April 17, 1933, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Planters Chemical Corporation, Norfolk, Va., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about May 4, 1932, from the State of Virginia into the State of North Carolina, of a quantity of cucumber, tomato, tobacco, and eggplant dust that was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that the statements, "Total Arsenic Oxide ( $As_2O_5$ ) 6%, Equiv. to Metallic Arsenic

3½% \* \* \* Copper Sulphate in Monohydrate Form 15% ", borne on the label affixed to the drum containing the article, represented that its standard and quality were such that it contained total arsenic oxide ( $As_2O_3$ ) in the proportion of not less than 6 percent, that the said arsenic oxide was equivalent to metallic arsenic in the proportion of not less than 3½ percent, and that it contained copper sulphate in monohydrate form in the proportion of not less than 15 percent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, since it contained less than 6 percent of arsenic oxide, the arsenic oxide so present was equivalent to less than 3½ percent, and it contained less than 15 percent of copper sulphate in monohydrate form.

Misbranding was alleged for the reason that the statements, "Total Arsenic Oxide ( $As_2O_3$ ) 6%, Equiv. to Metallic Arsenic 3½%, \* \* \* Copper Sulphate in Monohydrate Form 15% ", borne on the label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, i.e., substances that do not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of each and every one of the said inert substances so present in the article, were not stated plainly and correctly, or at all, on the label affixed to the drum containing the article; nor, in lieu thereof, were the name and the percentage amount of each substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substances present in the article, stated plainly and correctly on the label.

On May 30, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**1278. Adulteration and misbranding of copper calcium lime dust and copper lime dust. U. S. v. The Sherwin-Williams Co. Plea of guilty. Fine, \$250.** (I. & F. no. 1613. Sample nos. 20432-A, 20433-A.)

This case was based on interstate shipments of a lot of copper calcium lime dust which contained less calcium arsenate, less arsenic as metallic, and more inert ingredients than the proportions stated on the label; also of a lot of copper lime dust which contained less copper than declared and which failed to bear on the label a statement of the inert ingredients present in the article.

On June 8, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sherwin-Williams Co., a corporation, trading at Bound Brook, N.J., alleging shipment by said company from the State of New Jersey into the State of Pennsylvania, on or about June 3, 1932, of a quantity of copper lime dust, and on or about June 9, 1932, of a quantity of copper calcium lime dust, which products were insecticides other than Paris green and lead arsenate, and fungicides, within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the copper calcium lime dust was adulterated in that the statements, "Active Ingredients: \* \* \* Arsenate of Calcium 14% Inert Ingredients 66% Contains Arsenic (as Metallic) Not less than 5.2% ", borne on the label, represented that the standard and quality of the article were such that it contained arsenate of calcium in the proportion of not less than 14 percent, that it contained arsenic as metallic in the proportion of not less than 5.2 percent, and contained inert ingredients in the proportion of not less than 66 percent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, since it contained less than 14 percent of arsenate of calcium, less than 5.2 percent of arsenic as metallic, and more than 66 percent of inert ingredients.

Misbranding of the copper calcium lime dust was alleged for the reason that the statements on the label, "Active Ingredients: \* \* \* Arsenate of Calcium 14% Inert Ingredients 66% Contains Arsenic (as metallic) not less than 5.2% ", were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser.

Adulteration of the copper lime dust was alleged for the reason that the statement "Copper Lime Dust 20-80", borne on the labels of the bags containing the article, represented that its standard and quality were such that it contained copper in the proportion of not less than 20 percent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 20 percent of copper.



Misbranding of the copper lime dust was alleged for the reason that the statement, "Copper Lime Dust 20-80", borne on the label, was false and misleading, and by reason of the statement the article was labeled so as to deceive and mislead the purchaser. Misbranding of the copper lime dust was alleged for the further reason that the article consisted partially of inert substances, i.e., substances that do not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of each of the inert substances present in the article were not stated plainly and correctly on the label; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substances so present stated plainly and correctly on the label.

On June 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**1279. Misbranding of Tarolfectant. U. S. v. 1 Drum of Tarolfectant. Default decree of destruction. (I. & F. no. 1616. Sample no. 22116-A.)**

This case was based on an interstate shipment of a product designated "Tarolfectant", which was represented in its labeling to be effective as a disinfectant, as a control for vermin, and as a treatment for mangy, scurvy hogs. Examination of the product showed that it was not a disinfectant and was not effective for all vermin and all varieties of mange.

On April 11, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one drum of Tarolfectant at Windom, Minn., alleging that the article had been shipped in interstate commerce, on or about March 4, 1933, by the Sioux Oil Tar Disinfecting Co., from Sioux City, Iowa, and charging misbranding in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label were false and misleading and deceived and misled the purchaser, since it was not a disinfectant and would not disinfect the places indicated, it would not be effective for all varieties of mange which infest hogs, and would not act as an insecticide against all vermin: "For \* \* \* Disinfecting Chicken Coops \* \* \* Disinfecting for all Germs \* \* \* For Disinfecting Chicken Houses and Brooder Houses and Places where Chickens Roost. Apply Tarolfectant to the walls, ceiling, floors and roost until they are completely covered as with paint or white wash. \* \* \* For mangy, scurvy \* \* \* hogs \* \* \* For Scurvy, Mangy \* \* \* Hogs. \* \* \* For all \* \* \* Vermin."

On June 7, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**1280. Misbranding of Jol. U. S. v. 150 Packages and 75 Packages of Jol. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1617. Sample nos. 33417-A, 33418-A, 38053-A, 38054-A.)**

This case involved an interstate shipment of a fungicide, labeled "Jol", which was represented to possess disinfecting properties. Examination showed that the article would not act as a disinfectant when used as directed, also that the packages contained less than the declared weight.

On April 13, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of certain amounts of Jol. On April 19, 1933, the libel was amended to cover one hundred and fifty 5-ounce packages and seventy five 15-ounce packages of the product. It was alleged in the libel as amended that the article had been shipped in interstate commerce, on or about April 3, 1933, by the American Progress Co., from Pleasantville, N.J., into the State of Pennsylvania, that it remained in the original unbroken packages at Wilkesbarre, Pa., and that it was a misbranded fungicide within the meaning of the Insecticide Act of 1910. The article was labeled in part: "Net 5 Ozs." or "Net 15 Ozs."

The libel alleged that the article was misbranded in that the following statements appearing in the labeling, (5-ounce carton) "Disinfectant, Germicide", (both lots) "For Washing, Polishing and Disinfecting in one Operation, China, Glass, Silver and all other Metals, Woodwork, Kitchen Utensils, etc. \* \* \*

**Directions** To make Standard Solution—Dissolve from one to two tablespoonfuls of Jol in one pint of very hot water; then add cold water to make one gallon of tepid solution. \* \* \* Net 5 Ozs. [or "Net 15 Ozs."], were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article, when used as directed, would act as a disinfectant, and that the packages contained 5 ounces and 15 ounces, respectively, of the article; whereas the article, when used as directed, would not act as a disinfectant, and the packages contained less than 5 ounces and 15 ounces, respectively.

On June 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**1281. Misbranding of Apinol. U. S. v. 5 $\frac{3}{4}$  Dozen 2-Ounce Bottles and Ten 16-Ounce Bottles of Apinol. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1620. Sample nos. 32665-A, 32666-A.)**

This case involved an interstate shipment of Apinol, an insecticide within the meaning of the law, which was represented to be nonpoisonous, and to be an effective control for a number of insects. Examination showed that the article was poisonous and that it would not be effective against certain insects for which it was recommended.

On April 28, 1933, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five and three fourths dozen 2-ounce bottles and ten 16-ounce bottles of Apinol at Columbia, S.C., alleging that the article had been shipped in interstate commerce, on or about February 25, 1933, by the Apinol Corporation, from Wilmington, N.C., and charging misbranding in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was misbranded in that there appeared on the labels of the cartons and in the circulars the statements, (carton) "Apinol is a safe, non-poisonous \* \* \* Is not a poison", (circular) "For it is not a poison, \* \* \* Being nonpoisonous it does not have to be diluted. \* \* \* will Keep insects off the stock. \* \* \* Fly Infected Wounds \* \* \* Treatment with Apinol has an added advantage in that it keeps off flies. \* \* \* mosquitoes, red bugs, ants, fleas, etc. \* \* \* the insects themselves cannot stand the fumes of Apinol and will be kept off entirely if Apinol is rubbed on the exposed skin. \* \* \* Wet a towel with Apinol and hang it up in the sleeping room at night or pour some on a handkerchief and leave it on a chair alongside the bed. Mosquitoes will not come near the sleeper. Apinol also keeps away moths"; whereas the article was poisonous, it would not keep all varieties of insects off stock, it would not be an effective repellent for all varieties of flies which attack wounds, the article when used as directed would not keep off all insects that might be included under the abbreviation "etc.", it would not protect a sleeper from mosquitoes, and would not be an effective repellent against moths.

On June 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**1282. Misbranding of Ori. U. S. v. 180 Packages of Ori. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1621. Sample no. 21368-A.)**

This case involved an insecticide labeled Ori. Examination disclosed that the article would not be effective against certain insects for which it was recommended as a control, also that it contained an inert ingredient which was not declared on the label, as required by law.

On May 5, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 180 packages of Ori at Brooklyn, N.Y., alleging that the article had been imported from Kolberg, Germany, on or about March 1, 1933, and that it was misbranded in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was misbranded in that certain statements in German, appearing in the labeling, of which the following is a translation, "The best remedy for combatting all kinds of insects. Radically



destroys vermin of all kinds \* \* \* Ori kills quickly and surely", and "Ori \* \* \* spray all those places where vermin, flies, moths, water bugs, cockroaches, weevils, ants, etc. are to be found. In case of animals, thoroughly spray the fur or feathers with the highly efficacious Ori. Ori kills quickly and surely", were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that the article, when used as directed, would be effective in combating, destroying, and killing all insects and all vermin, and would be an effective insecticide against all vermin, flies, moths, water bugs, cockroaches, weevils, ants, etc., and against insects that infest or attack animals; whereas the article, when used as directed, would not be effective for the said purposes. Misbranding was alleged for the further reason that the article consisted partially of an inert substance, namely, powdered pyrethrum stems, that is to say, a substance that does not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of the said inert substance were not stated plainly and correctly, or at all, on the label affixed to the packages containing the article; nor, in lieu thereof, were the name and percentage amount of each ingredient of the article having insecticidal properties, and the total percentage of the inert ingredient so present in the article stated plainly and correctly on the label.

On June 2, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**1283. Adulteration and misbranding of Jay's cedar moth compound. U. S. v. 144 Packages of Jay's Cedar Moth Compound. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1625. Sample no. 21372-A.)**

Examination of the product involved in this case showed that it was not a moth preventive when used as directed; it contained no naphthalene, which was listed as one of the ingredients; and the packages contained less than the declared weight.

On May 15, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 144 packages of Jay's cedar moth compound at Somerville, N.J., alleging that the article had been shipped in interstate commerce, on or about March 17, 1933, by Strauss Bros. & Co., from New York, N.Y., and that it was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled, "A Combination of Cedar Wood, Naphthalene, Oil of Cedar, Oil of Lavender", and contained no naphthalene.

Misbranding was alleged for the reason that the statements on the labels of the cartons, "Net Weight When Packed 5 Oz.", "A Combination of Cedar Wood, Naphthalene, Oil of Cedar, Oil of Lavender," and "Jay's Cedar Moth Compound For Closets For Upholstered Furniture An Excellent Moth Preventive To Obtain The Best Results from Jay's Cedar Moth Compound Observe the following rules: 1. Clean and brush all woolens, clothing, furs, etc., thoroughly. 2. Expose to fresh air and sunlight for several hours. 3. Be certain all articles to be stored are thoroughly dry and absolutely free from moths, their eggs and larvae before packing. 4. Sprinkle layer of Jay's Cedar Moth Compound on the bottom of receptacles and between the layers of articles stored, also on top layer. 5. When storing delicate fabrics, cover garment with cotton cloth, then sprinkle Jay's Cedar Moth Compound on the cotton covering. 6. For cedarizing closets, fill bags of cheese cloth with Jay's Cedar Moth Compound, and hang near garments. 7. If articles are to be stored for a great length of time, replace Jay's Cedar Moth Compound every three months.", were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the cartons each contained 5 ounces of the article, that naphthalene was one of its ingredients, and that it was an excellent moth preventive; whereas the packages contained an average of 4.033 ounces, it did not contain naphthalene as one of its ingredients, and it was not an excellent moth preventive. Misbranding was alleged for the further reason that the article consisted partially of an inert substance, cedarwood exclusive of cedar-

wood oil, i.e., a substance that does not prevent, destroy, repel, or mitigate insects (moths), and the name and percentage amount of the said inert substance present in the article, were not stated plainly and correctly, or at all, on the cartons; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substance so present in the article, stated plainly and correctly, or at all, on the carton label.

On July 15, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**1284. Adulteration and misbranding of Diamond L brand flea beetle dust. U. S. v. Harry N. Leckenby. Plea of guilty. Fine, \$25. (I. & F. no. 1630. Sample no. 25678-A.)**

This case was based on an interstate shipment of an insecticide which contained a smaller proportion of the active ingredient, barium fluosilicate, than declared on the label, and which was not labeled, as required by law, with a declaration of the inert ingredients present.

On August 21, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry N. Leckenby, Seattle, Wash., alleging shipment by said defendant in violation of the Insecticide Act of 1910, on or about June 6, 1932, from the State of Washington into the State of Oregon, of a quantity of Diamond L brand flea beetle dust that was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled, "Active Ingredient Barium Fluosilicate 25%", and contained much less than 25 percent of barium fluosilicate.

Misbranding was alleged for the reason that the statement on the label, "Active Ingredient Barium Fluosilicate 25%", was false and misleading, and by reason of the said statement the article was labeled and branded so as to deceive and mislead the purchaser, since it contained much less than 25 percent of barium fluosilicate. Misbranding was alleged for the further reason that the article consisted partially of inert ingredients, namely, substances that do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each of the inert ingredients present in the article were not stated plainly and correctly on the can label; nor, in lieu thereof, were the name and the percentage amount of the substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances present, stated plainly and correctly on the label.

On September 12, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**1285. Misbranding of Coal Tar Disinfectant. U. S. v. Harley Soap Co., Inc. Plea of guilty. Fine, \$50. (I. & F. no. 1632. Sample no. 21356-A.)**

This case was based on an interstate shipment of Coal Tar Disinfectant which was found to have a phenol coefficient much lower than that declared on the label.

On August 30, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Harley Soap Co., Inc., Philadelphia, Pa., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about January 6, 1933, from the State of Pennsylvania into the State of New York, of a quantity of Coal Tar Disinfectant which was misbranded. The article was labeled in part, "Coal Tar Disinfectant 6-8."

It was alleged in the information that the article was misbranded in that the statement, "Coal Tar Disinfectant 6-8", borne on the label, was false and misleading, and by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since it represented that the article possessed a phenol coefficient of not lower than 6, whereas it possessed a phenol coefficient much lower than 6.

On September 26, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**1286. Adulteration and misbranding of Bromo paper. U. S. v. 10 Cases of Bromo Paper. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1635. Sample no. 23455-A.)**

This case involved a shipment of Bromo paper, a fungicide within the meaning of the law, which was labeled to convey the impression that it contained a compound of bromine, chloralum (chloral), and carbolic acid. Examination showed that it did not embody the properties of said substances, and that it would not disinfect and deodorize, as claimed.

On July 3, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of Bromo paper at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about April 8, 1933, by the Diamond Mills Paper Co., from New York, N.Y., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was adulterated in that other substances had been substituted for bromo chloralum and carbolic acid.

Misbranding was alleged for the reason that the statements, (case) "Bromo Carbolic Medicated Paper", (carton and leaflet) "The properties of Bromo Chloralum and Carbolic Acid as disinfectants and curatives are well known, and the inventor has after a series of experiments succeeded in so embodying their properties with the pulp of this paper", and (label and leaflet) "The properties of Bromo Chloralum and Carbolic Acid as disinfectants \* \* \* are well known, and the inventor has after a series of experiments succeeded in so embodying their properties with the pulp of this paper, as to render its use \* \* \* a thorough deodorizer and disinfectant of the water closet", were false and misleading and deceived and misled the purchaser, since the impression was created that the article contained a compound of bromine chloralum (chloral) and carbolic acid, and that it would disinfect and deodorize water closets; whereas it did not contain bromine chloralum (chloral) and carbolic acid and would not disinfect or deodorize the water closet, or in any way act as a disinfectant.

On July 25, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

*R. G. TUGWELL, Acting Secretary of Agriculture.*

**1287. Adulteration and misbranding of Odora cedarized closets. U. S. v. 330 Odoro Cedarized Closets. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1639. Sample no. 21367-A.)**

The product in this case consisted of a cardboard cabinet which was represented to be moth proof and to contain a substance which would kill moths present in articles stored therein. Examination showed that the cabinet would not keep out moths, under all conditions, and that those present in the cabinet would not be killed. The substance placed in the cabinet to kill the moths contained a much smaller amount of active ingredients and a correspondingly greater amount of inert ingredients than declared on the label.

On July 28, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 330 Odora cedarized closets at Newark, N.J., alleging that the article had been shipped in various lots between February 17 and July 15, 1933, by the Odora Co., Inc., from New York, N.Y., and charging that it was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged in the libel that the article was adulterated in that the statement, "Active Ingredients 50% Inert Ingredients 50%", borne on the label, represented that its standard and quality were such that it contained active ingredients, namely, substances that prevent, destroy, repel, or mitigate insects, in the proportion of not less than 50 percent, and contained inert ingredients, namely, substances that do not prevent, destroy, repel, or mitigate insects, in the proportion of not more than 50 percent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 50 percent of active ingredients and more than 50 percent of inert ingredients.

Misbranding was alleged for the reason that the statements, "Active Ingredients 50% Inert Ingredients 50% \* \* \* The Tested Ingredients Contained In This Scientific Patented Cedarizer Will Absolutely Kill All Moths And

Moth Eggs If Present When Garments Are Stored. While The Mothproof Construction of This Chest Will Keep Moths Out", borne on the label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that the article contained not less than 50 percent of active ingredients, and not more than 50 percent of inert ingredients and, when used as directed, would kill moths and moth eggs, and would keep moths out under all conditions; whereas the article contained less than 50 percent of active ingredients and more than 50 percent of inert ingredients and, when used as directed, would not kill moths and moth eggs and would not keep moths out under all conditions.

On August 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**1288. Misbranding of copper lead lime dust. U. S. v. The Sherwin-Williams Co. Plea of guilty. Fine, \$25. (I. & F. no. 1641. Sample no. 32544-A.)**

This case was based on an interstate shipment of copper lead lime dust, an insecticide and fungicide which contained arsenic in combination, monohydrated copper and inert ingredients. The presence of the arsenic and the ingredients contained in the article were not stated on the label, as required by law.

On September 27, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sherwin-Williams Co., a corporation trading at Bound Brook, N.J., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about November 14, 1932, from the State of New Jersey into the State of Florida, of a quantity of copper lead lime dust which was misbranded.

It was alleged in the information that the article was misbranded in that it contained arsenic in combination and in water-soluble form, and the total amount of the arsenic and of arsenic in water-soluble form so present therein, expressed as per centum of metallic arsenic, were not stated on the label. Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, i.e., substances other than monohydrated copper sulphate and lead arsenate, that is to say, substances that do not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of each inert substance or ingredient present in the article were not stated plainly and correctly, or at all, on the label affixed to the drums containing said article; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substances or ingredients so present in the article, stated plainly and correctly, or at all, on the label.

On October 6, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**1289. Misbranding of Cedafume liquid concentrate. U. S. v. 52 Packages of Cedafume Liquid Concentrate. Default decree of forfeiture and destruction. (I. & F. no. 1642. Sample no. 39650-A.)**

The case involved an insecticide, the label of which bore unwarranted claims as to its effectiveness in the control of moths.

On August 5, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 packages of Cedafume liquid concentrate at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about May 1, 1933, by the American Chemical Products Co., Inc., from New York, N.Y., and charging misbranding in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was misbranded in that the statements on the bottle label, "Cedafume Liquid Concentrate Checks Moths \* \* \* The contents of this bottle will render predetermined scientific Moth control for approximately 18 months, when used as directed", and the statements on the carton, "Cedafume Liquid Concentrate Checks Moths \* \* \* Makes Your Clothes Closet Safe As A Cedar Chest. \* \* \* A new type



of Moth Control", were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since the statements represented that the article, when used as directed, would check moths, would furnish moth control, and would make a clothes closet safe as a cedar chest; whereas the article, when used as directed, would not check moths, would not furnish moth control, and would not make a clothes closet safe as a cedar chest.

On September 8, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**1290. Misbranding of Wizard moth cake. U. S. v. 120 Cakes and 18 Cartons of Wizard Moth Cake. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1643. Sample nos. 23392-A, 23396-A.)**

This case involved an insecticide, the label of which bore unwarranted claims as to its effectiveness in the control of moths.

On August 10, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 cakes of Wizard moth cake at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about June 8, 1933, by Wizard, Inc., from Chicago, Ill., and charging misbranding in violation of the Insecticide Act of 1910. On August 12, 1933, an amended libel was filed in order to cover 18 cartons more of the product, shipped July 19, 1933, by the Midway Chemical Co., from Chicago, Ill.

It was alleged in the libel that the article was misbranded in that the statements on the label, "Gives off gaseous vapors that repel moths and protect clothing, delicately scents air in rooms, etc.", were false and misleading and tended to deceive and mislead the purchaser, since the article, when used as directed, would not repel moths and would not protect clothing under all conditions.

On September 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**1291. Misbranding of Cedarol moth-repellent wardrobes. U. S. v. 52 Cedarol Moth-Repellent Wardrobes. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1645. Sample nos. 37575-A, 44113-A.)**

The product in this case consisted of a paper container for storing clothes, which was represented to be a moth repellent, each accompanied by a package containing volatile substances represented to be effective to render the container moth proof and to kill moth larvae present in clothing stored therein. Examination showed that the article would not afford the moth protection claimed.

On August 11, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 52 Cedarol moth-repellent wardrobes at Washington, D.C., alleging that the article had been shipped in interstate commerce, on or about May 20 and June 9, 1933, by Gersten Bros., from New York, N.Y., and charging misbranding in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was misbranded in that the statement "Cedarol Moth-Repellent Wardrobe", borne on the said wardrobes, and the statements "This is the Vaporizer for the Cedarol Moth Proof Wardrobe \* \* \* Then Paste this Vaporizer to the Inside Top Cover of the Wardrobe, Above and, Back of the Clothes Bar, using the gummed-tape strips on each side of this container and making sure that the round Cutouts face the Bottom of the wardrobe. This enables the Gas generated (which is 5 times heavier than air), to flow downward through the clothing, killing any Larvae as it penetrates", borne on the vaporizers, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that the wardrobe, when used as directed, would repel moths, and that the Vaporizer, when used as directed, would make the said wardrobe moth proof and would kill moth larvae; whereas the wardrobe would not repel moths and the vaporizer would not



make the wardrobe moth proof and would not kill moth larvae when the article was used as directed.

On October 18, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**1292. Adulteration and misbranding of Sul-4-Dip. U. S. v. 12 Dozen Bottles of Sul-4-Dip. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1647. Sample no. 32488-A.)**

This case involved a product intended for use in the control of certain insects and fungi (bacteria). Examination showed that the article contained a smaller percentage of active ingredients and a larger percentage of inert ingredients than declared on the label, also that it would not be effective in the control of certain parasitic conditions and itches for which it was recommended.

On August 18, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 dozen bottles of Sul-4-Dip at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about February 21, 1933, by the Veterinary Products Laboratory, Inc., from Jamaica, N.Y., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was adulterated in that the statements on the label, "Active Matter 15% Inert Matter 85%," represented that its standard and quality were such that it contained substances that prevent, destroy, repel, or mitigate insects or fungi, in the proportion of not less than 15 percent, and contained substances that do not prevent, destroy, repel, or mitigate insects or fungi, in the proportion of not more than 85 percent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, since it contained much less than 15 percent of active matter and much more than 85 percent of inert matter.

Misbranding was alleged for the reason that the statements "Active Matter 15% Inert Matter 85%", borne on the label, were false and misleading. Misbranding was alleged for the further reason that the statements, "For Certain Forms of \* \* \* Parasitic Condition \* \* \* Itches, etc.", borne on the label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since it would not be effective for all parasitic conditions indicated by the term "For Certain Forms of \* \* \* Parasitic Condition", and would not be effective for all conditions indicated by the term, "Itches, etc." Misbranding was alleged for the further reason that the article consisted partially of inert ingredients, and the name and percentage amount of the said inert ingredients were not stated plainly and correctly on the label affixed to the bottles containing the article; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substances or ingredients so present in the article, stated plainly and correctly on the label.

On October 26, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**1293. Misbranding of Mothfume. U. S. v. 54 Cases of Mothfume. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1651. Sample nos. 36446-A, 36447-A.)**

This case involved a product, known as Mothfume, the labels of which bore unwarranted claims as to its effectiveness in the control of moths and as a deodorizing agent.

On September 15, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 cases, each containing two dozen pads of Mothfume at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in part on February 17, 1933, and in part on March 7, 1933, by the Royal Manufacturing Co. of Duquesne, Duquesne, Pa., and charging misbranding in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was misbranded in that the statements on the labels, "Mothfume a \* \* \* moth repellant for use in the household. Remove the wrapper and Mothfume starts to work immediately", and "Mothfume kills moths and odors", were false and misleading and tended to deceive and mislead the purchaser since it was not a moth repellent; it would not kill moths under all conditions, and would not kill odors.

On October 9, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**1294. Misbranding of Moth Pad. U. S. v. 266 Cases of Moth Pad. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (I. & F. no. 1652. Sample nos. 36448-A, 36449-A.)**

This case involved a product the label of which bore unwarranted claims as to its effectiveness in the control of moths.

On or about September 15, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 266 cases of Moth Pad at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about March 24 and May 11, 1933, by the Royal Manufacturing Co., from Duquesne, Pa., and charging misbranding in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was misbranded in that the statements, "Moth Pad a \* \* \* moth repellant for use in the household. remove the wrapper and Moth Pad starts to work immediately", were false and misleading and tended to deceive and mislead the purchaser, since the article was not a moth repellent. On October 9, 1933, Daniel Kovacs, Samuel S. Kovacs, Martin Kovacs, Koloman Kovacs, and Joseph Weishaus, trading as the Royal Manufacturing Co., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimants upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**1295. Misbranding of Apex moth cakes. U. S. v. 18 Dozen Apex Moth Cakes. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1640. Sample no. 49455-A.)**

This case involved an interstate shipment of a product represented to be effective to kill all stages of moth life. Examination showed that the article would not kill all stages of moth life when used as directed.

On July 27, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 dozen Apex moth cakes at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, in part on or about June 12, 1933, and in part on or about June 26, 1933, by the Clean Home Products, Inc., from Chicago, Ill., and charging misbranding in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the wrapper enclosing the article were false and misleading and tended to deceive and mislead the purchaser: "Apex when properly used, kills all stages of moth life \* \* \* One cake is sufficient for about forty feet of confined space."

On September 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

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